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April 27, 2021

Hon. Sidney H. Stein
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

**Filed on ECF and sent
via email to Laura_Blakeley@nysd.uscourts.gov**

Re: *United States v. Jose Adames*
19 Cr. 76 (SHS)

Dear Judge Stein:

We represent the defendant, Jose Adames, pursuant to the Criminal Justice Act. Mr. Adames was sentenced by Your Honor on January 28, 2020 to 16 months imprisonment. Since that time, Your Honor has adjourned his surrender in light of the COVID-19 pandemic. His current surrender date is May 7, 2021. We write to request an additional adjournment until at least mid-June 2021 on this same basis.

The Court's reasoning for previously postponing Mr. Adames' surrender date remains true. While the rate of COVID-19 infections across the United States is not as high as it was mid-winter, the number of new infections in this country remains significant. Over the past week alone, over 58,000 new cases of COVID-19 have been reported daily across the United States. (*Covid in the U.S.: Latest Map and Case Count*, Apr. 26, 2021, THE NEW YORK TIMES, found at <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>.) With the virus continuing to circulate, and the spread of new more contagious and possibly more lethal variants, the pandemic is far from over.

Earlier this month, the New York Times reported that the rate of infection inside prison has been *more than three times* as high as elsewhere in the United States (*i.e.*, 34 per 100 incarcerated people are being infected, as opposed to 9 per 100 people outside of prison). (Eddie Burkhalter,

et al., *Incarcerated and Infected: How the Virus Tore Through the U.S. Prison System*, Apr. 10, 2021, THE NEW YORK TIMES, found at <https://www.nytimes.com/interactive/2021/04/10/us/covid-prison-outbreak.html>.) At least 39 percent of detainees at federal prison facilities are known to have been infected, and the true count is most likely higher because of the lack of testing, especially early on in the pandemic. (See *id.*) The BOP facilities in Allenwood, Pennsylvania, where Mr. Adames is designated to report, has itself struggled with coronavirus outbreaks. (The BOP's website, found at <https://www.bop.gov/coronavirus/>, shows that, as of April 27, 2021, there have been at least 1,035 cases detected among prisoners and staff between the three Allenwood sites).

We submit that the risks associated with the continued spread of COVID-19 through the federal prison system warrant an adjournment of Mr. Adames' surrender date, particularly when weighed against the lack of risk of flight and lack of danger to the community posed by his continued release. We hope that by mid-June 2021 the rate of infection will have improved drastically. This will also allow Mr. Adames time to become fully vaccinated. (He had his first vaccine dose earlier today and has a second dose appointment scheduled for May 18, 2021.) We have conferred with the Government and they have no objection to one additional adjournment.

Respectfully submitted,

Sarah M. Sacks

Bennett M. Epstein
Sarah M. Sacks

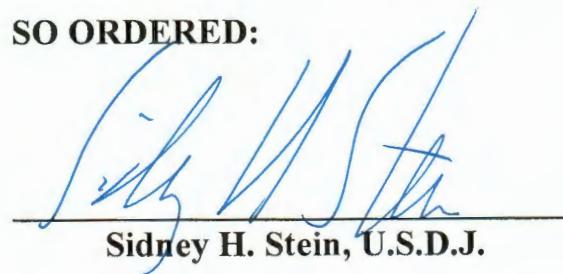
cc: AUSA Kyle Wirshba (by email)

The defendant's surrender date is adjourned to June 25, 2021.

Dated: New York, New York

April 28, 2021

SO ORDERED:

A handwritten signature in blue ink, appearing to read "Sidney H. Stein, U.S.D.J." The signature is fluid and cursive, with "Sidney" and "Stein" being the most distinct parts.